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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,936	08/03/2005	Robert Riener	82331	9503
23685 7590 08/19/2009 KRIEGSMAN & KRIEGSMAN 30 TURNPIKE ROAD, SUITE 9 SOUTHBOROUGH, MA 01772				
EXAMINER				
HADZONOZ, BANAFSHEH				
ART UNIT		PAPER NUMBER		
3715				
MAIL DATE		DELIVERY MODE		
08/19/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,936

Applicant(s)

RIENER ET AL.

Examiner

Banafsheh Hadizonooz

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE-US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

In response to the amendment filed on 05/22/2009, claims 6 and 7 are pending. Claims 1-5 and 8-9 are canceled. This office action is made **Non- Final**.

Claim Rejections - 35 USC § 112

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 is an apparatus claim, however the applicant fails to particularly point out the elements of the device that perform the tasks that are listed in the claim. Processing signals, a plurality of force-time curves and a program for controlling the data processor does not patentably distinguish the invention over the prior arts.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayka et al. (US 5, 688,118) in view of Vardimon et al. (US 5,752,832).

Regarding claim 6, Hayka discloses a simulation system for dentistry wherein forces can be exerted on a tooth secured in a model of a jaw using a tool in order to

examine or work on the tooth (See Col.6, 33-39). Hayka further discloses a single sensor measuring device fixed underneath the model of the jaw (See Col.11, 24-37) constructed as six-component force-moment sensor (See Col.9, 16-56), Wherein the components of force (the resistance of the region that is being drilled) is transferred to the processing unit (e.g. display unit 68). The data processor further comprises a memory (See Fig. 4 and Col.10, 9-59). Hayka does not explicitly disclose that the forces are converted into electrical measuring signals. However, Hayka discloses that both mechanical and electrical sensors can be used to simulate the region of a tooth being drilled. Therefore, Hayka inherently includes electrical measuring signals.

Hayka does not specifically disclose a plurality of reference-force-time curves of different dental treatment steps. However Vardimon discloses a method for measuring tooth tightening, wherein the force applied to the teeth is measured as a function of time in order to determine the tightness between the teeth for orthodontic purposes.

Vardimon further discloses measuring and processing the exerted force via a processing unit (See Abstract and Col.3, 43-54 and figures 3 and 4). Therefore it would have been obvious to one of ordinary skill in the art to modify Hayka's invention to include a force-time measurement in order to accommodate user with an accurate performance feedback in dentistry training.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayka et al. (US 5, 688,118) in view of Vardimon et al. (US 5,752,832) and further in view of Azerad et al. (US 2004/0091845).

Regarding claim 7, Hayka/Hennion do not specifically disclose generating acoustic signals corresponding to a specific force/time. Azerad discloses acoustic signal patterns stored in correlation with the measured force/time course are retrieved and displayed by an acoustic display unit, wherein the multitude of sound samples are stored in the data memory in which case by means of a program subject to the actual force/time course of the simulated tooth treatment a sound sample belonging to it can be displayed (See P.4, [0073]). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the features of Azerad's invention into the system and method of Hayka/Hennion in order to create a more realistic environment for training the users.

Response to Arguments

Applicant's arguments with respect to claims 6 and 7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Banafsheh Hadizonooz whose telephone number is 571-272-1242. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272- 7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BH

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715